(48) (47)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : Hon'ble Shri S.R. Nayak, C.J.

Writ Petition No. 637 OF 2006

PETITIONER

M/s Shree Nakoda Ispat Ltd.,
Near railway crossing Mowa
Raipur - 492007
Through Manager,
Shri Rajendra Tiwari, S/o Shri B.N. Tiwari, Aged about 32 years, Raipur (C.G.)

Versus

RESPONDENTS

1. Union of India
Through Secretary,
Ministry of Railways
New Delhi.
2. General Manager, S.E.C. Railway,
Headquarters Office,
Bilaspur (C.G.)
3. The Chief Commercial Manager
S.E.C. Railway
Bilaspur (C.G.)
4. The Sr. Divisional Commercial Manager, S.E.C.Railway,
District - Bilaspur

Present : Shri H.S. Ahluwalia, learned counsel for the petitioner.
Shri Abhishek Sinha, learned counsel for the caveators.

ORAL ORDER
(Passed on 7th February, 2006)

The complaint brought before this Court by way of this writ petition could be a complaint that could be made before the Tribunal as envisaged under Section 36 of the Railways Act, 1989 (for short 'the Act'). The dispute brought before the Court essentially falls within the domain of appreciation of facts; therefore, it is appropriate that the petitioner, in the first instance, should work out statutory remedies provided under the Act.

(49) (48)

There is no justification for the petitioner to rush to this Court under Article 226 of the Constitution without exhausting alternative, efficacious statutory remedies. On this short ground, I decline to entertain this writ petition. It is accordingly dismissed. However, it is directed that if the petitioner files complaint along with an application for interlocutory order before the Tribunal under Section 36 of the Act, it is trusted that the Tribunal shall consider the same and pass appropriate order without much loss of time.

Sd/-
Chief Justice

G. Singh